



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

CCB/169072

PRELIMINARY RECITALS

Pursuant to a petition filed October 1, 2015, under Wis. Admin. Code § HA 3.03(4), to review a decision by the Grant County Department of Social Services ["County"] in regard to Child Care ["CC"], a Hearing was held via telephone on December 29, 2015. At petitioner's request a Hearing scheduled for November 24, 2015 was rescheduled.

The issue for determination is whether it was correct to deny CC to petitioner.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

BY: [REDACTED], ESS

Grant County Department of Social Services
Hwys 35 and 61 South
PO Box 447
Lancaster, WI 53813

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Grant County, Wisconsin.

2. On or about September 18, 2015 petitioner applied for CC.
3. Petitioner is a full-time student at [REDACTED]
4. Petitioner is not employed.
5. On October 19, 2015 the County denied petitioner's application for CC.

DISCUSSION

A person is eligible for CC only if the person is participating in an approved activity. *Wisconsin Shares Child Care Subsidy Policy Manual* ["CC Manual"] 1.4.8 (2015); See also, Wis. Stat § 49.155(1m)(a) (2013-14); Wis. Admin. Code § DCF 101.26(1) (October 2015); Wis. Admin. Code § DCF 201.04(5)(a)2.b. (August 2015). In two-parent families both parents must meet all CC eligibility criteria. Wis. Admin. Code § DCF 101.26(1) (October 2015); See also, Wis. Stat. § 49.155(1m)(d) (2013-14).¹

An approved activity includes participating in a course of study at a technical college (or educational courses that provide an employment skill) if it will help the individual's efforts to maintain employment but only if the following criteria are satisfied:

- The child care agency must determine that participation in this activity will facilitate the individual's efforts to maintain employment. The agency must document this decision in CWW case comments.
- Local agencies do not have discretion to require more than 5 hours per week or 20 hours per month of employment.
- The individual must be employed no less than 5 hours per week or 20 hours per month throughout the entire period of education. Work study can be considered to meet the employment requirement.
- Participation in education under this section is limited to no more than 24 months during the lifetime of the parent. The 24 months need not be consecutive. The 24 months must be recorded in the CSAW system Parent Education Tracking page.
- School and work schedules are required for all individuals.
- Field placement, such as unpaid student teaching and unpaid internships, do not meet the employment criteria of this section, but may be included as part of the educational activity if school credits are awarded for completion.
- The student's satisfactory progress must be documented by scanning the grade report in ECF and updating CWW case comments. Satisfactory progress is assumed if the student has passing grades for the term, or if passing grades are not achieved there must be documentation that the student took part in the required classes and performed the required work.

CC Manual 1.4.8.8; See also, Wis. Stat § 49.155(1m)(a)5. (2013-14); and, Wis. Admin. Code § DCF 101.26(1) (October 2015).

¹ The only exception to this two-parent family rule is if it is verified that one parent has a disability or health condition that makes that parent unable to participate in required activities and that parent is also unable to provide the child care necessary for the other parent to participate in required activities. Wis. Admin. Code § DCF 101.26(1) (October 2015); Manual 1.4.8.10. The parent's inability to participate in required activities and to provide child care must both be verified by a doctor, psychiatrist, or psychologist. Manual 1.4.8.10.

Petitioner is student at a technical school but she is not employed for at least 5 hours per week or 20 hours per month (she is not employed at all). Therefore, she is not eligible for CC. The requirements for CC are dictated by law and policy, as detailed above, and petitioner does not satisfy those requirements.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to deny CC to petitioner.

NOW, THEREFORE, it is ORDERED

that the petition for review herein be and the same is hereby DISMISSED.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 5th day of February, 2016

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on February 5, 2016.

Grant County Department of Social Services
Child Care Benefits